

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CARLOS SANTIAGO,

Plaintiff,

Civil Action No.: 6:14-CV-06719-FPG-MJP

vs.

OFFICER SHAWN JORDAN, and  
NURSE JEANNE ODELL, R.N.

Defendants.

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**ATTORNEY DECLARATION**

I, R. ANTHONY RUPP III, ESQ., make this declaration under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney and partner at the law firm of Rupp Baase Pfalzgraf Cunningham LLC, attorneys for the plaintiff in this matter. I am duly admitted to practice law in the State of New York and the United States District Court for the Western District of New York, and am fully familiar with the facts and circumstances set forth here.

2. I submit this declaration in support of my law firm's motion to withdraw as counsel of record for the plaintiff.

3. As this Court knows, I indicated my office's intention to withdraw as counsel of record during the last status conference on January 27, 2021.

4. Our decision to withdraw as counsel of record was made after the plaintiff submitted a motion to withdraw on November 12, 2020. A copy of the plaintiff's motion to withdraw is attached hereto as **Exhibit A**.

5. Our office therefore reached out to counsel for the defendants to prepare a stipulation that would allow us to withdraw as counsel. Each of the attorneys for the defendants consented to our withdrawal. A copy of the email correspondence between the attorneys for the parties in this matter is attached as **Exhibit B**.

6. Our office then reached out to the plaintiff in an attempt to secure his signature to properly execute the stipulation in accordance with Local Rule 83.2. The plaintiff did not respond to our communication attempts.

7. This Court denied the plaintiff's motion to withdraw. During the status conference on January 27, 2021, Melissa Laffredo, the plaintiff's fiancé, told the Court that the plaintiff wished to discuss with me a plan to represent him for the duration of this matter.

8. I honored that request. I communicated with the plaintiff our intention to represent him in this matter, and that we would need the file back to do so.

9. I conveyed to the plaintiff multiple times our need to have the file to fulfill our discovery obligations and adequately represent him. The plaintiff told me at first that he would drop off the file at our office, but after nearly two months has not done so and recently indicated that he has no intention to give us back the file materials.

10. At this time, I fee that there are unresolvable, irreconcilable differences between our office and the plaintiff. It is therefore necessary for the Court to relieve myself and Mr. Davenport as his counsel in this case.

Dated: March 19, 2021

**RUPP BAASE PFALZGRAF CUNNINGHAM LLC**  
*Attorneys for Plaintiffs*

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